

## **MSAD #28 POLICY**

### **STATEMENT OF RIGHTS FOR PRIVATE SCHOOL STUDENTS WITH DISABILITIES**

If you are the parent or legal guardian of a disabled child, or suspect that your child may have a disability that is covered by state or federal special education laws, and you have privately placed your child in a private school program located within this school district, you have the following rights:

1. You have the right to have your child located, identified and evaluated by MSAD #28 as a possible special education student, including referral of your child to an IEP Team to determine whether your child qualifies as a special education student, and to be re-evaluated at least every three years to determine your child's continued eligibility for special education. The District's child find and referral obligations toward your child while he/she is parentally placed in a private school program located in MSAD #28 are the same as for students enrolled in public school, as described in the attached special education Procedural Safeguards Statement.
2. Children with disabilities who have been parentally placed in private schools located within MSAD #28 do not have an individual right to special education and related services while enrolled in the private school program.
3. When designing and implementing special education services for parentally placed private school children attending private schools within MSAD #28, the District has an obligation to consult in a timely and meaningful manner with representatives of those children and with private schools regarding the following issues:
  - A. The child find process itself, and whether parentally placed private school and home school children participate in that process equitably, and how parents of these children and private schools are notified of the process;
  - B. How the public school determined the proportionate share of federal dollars that will be spent;
  - C. The consultation process itself, including how that process will operate throughout the school year so as to ensure meaningful participation in services;
  - D. How, where, and by whom special education and related services will be provided, including the types of services, and how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made; and

- E. If the local unit disagrees with views of private school officials on the provision and types of services, how the local unit will provide a written explanation of the reasons why the local unit made the decisions that it did.
4. MSAD #28 has a duty to expend on the pool of identified parentally placed private school students with disabilities an amount that is the same proportion of the District's federal special education dollars as the number of those students is to the overall total number of children with disabilities within MSAD #28 jurisdiction. If some of those funds are not expended in a given year, the District must carry over unspent funds to the following year for expenditure on these services.
  5. MSAD #28, not the IEP Team, shall make the final decisions with respect to the services to be provided to eligible parentally placed private school students with disabilities, following timely and meaningful consultation as described in Paragraph 3 above.
  6. For any parentally placed private school student with a disability for whom MSAD #28 decides that it will provide services, the School Department shall initiate and conduct a meeting of the IEP Team to develop, review and revise a services plan detailing the special education and related services to be provided and including goals for measuring the outcome of such services. To the extent appropriate, the Team shall develop the services plan in a manner consistent with development of an IEP.
  7. Parents may file for a due process hearing with the Maine Department of Education, Division of Special Services (624-6650), alleging that the District has failed to meet its child find duty to locate, identify and evaluate all private school/home school students with disabilities. Parents may also file due process complaints with the same agency regarding the implementation of any of the rights addressed in this document. Finally, private school officials may file a complaint with the Maine Department of Education, Division of Special Services, alleging that the District has not engaged in consultation that was timely or meaningful or did not give due consideration to the views of the private school official.
  8. Should the parents of a parentally placed private school child choose to enroll that child in the public school program where they reside, the disabled child would have a right to receive a free appropriate public education and an Individualized Education Program from that public school unit. Parents of such children who reside in MSAD #28 should contact the Director of Special Education at 207-236-7812 if you have any interest in exploring what special education services your child might receive if enrolled in public school here. MSAD #28 would then convene an IEP Team meeting to discuss this with you further. If you enroll your child in public school, you and your child are entitled to all the rights set forth in the District's special education Procedural Safeguards Statement.

9. If you would like a complete copy of the state and federal regulations addressing the duties of MSAD #28 toward private school/home school students with disabilities, or have any other questions, please contact the special education office at MSAD #28 at 207-236-7812, or the Maine Department of Education, Division of Special Services (624-6650). If you have any concerns about your child, please address those concerns in writing to: Director of Special Education, MSAD #28, 7 Lions Lane, Camden, ME 04843.

References: 20 U.S.C. § 1412(a)(10)(A); 34 C.F.R. § 300.130 to .144 (August 2006); Me. DOE Reg. ch. 101, § II(20), IV(4)(G) (Aug. 2007).

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